

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 5-12 and 16-22 are pending in the application. No claim amendments are presented, thus, no new matter is added.

In the Office Action, Claims 1, 5, 7-10, 12, 16, and 18-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant et al. (U.S. Pat. 5,802,468, herein Gallant) in view of Wells et al. (U.S. Pat. 5,870,683, herein Wells); Claims 6 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells and Hubbe et al. (U.S. Pat. 6,667,748, herein Hubbe); and Claims 11 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells and Fogarty (U.S. Pat. 6,311,180, Fogarty).

Claims 1, 5, 7-10, 12, 16, and 18-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells. Applicants respectfully traverse this rejection as independent Claims 1 and 12 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 is directed to a method for providing a background image for a display of a communication device, whereby the data of background images are stored in at least one memory accessible for said communication device. The method comprising:

- a) automatically selecting ***background images*** to be displayed, ***according to pre-set parameters received from a base station***;
- b) retrieving the data of said automatically selected background images from said memory ***wherein said pre-set parameters are received independent from the storing and retrieving of said data of said background images***; and
- c) displaying said retrieved background images ***in sequence as defined by said pre-set parameters on said display of said mobile telephone***.

Independent Claim 12, while directed to an alternative embodiment, recites similar features. Accordingly, the arguments presented below are applicable to each of independent Claims 1 and 12.

The Office Action cites Gallant as disclosing all the features in Claim 1 with the exception of “displaying the retrieved background images in sequence defined by the preset parameters... in sequence on the display of the mobile telephone.” In attempt to remedy this deficiency, the Office Action relies on Wells and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicants’ claims. Applicants respectfully traverse this rejection, as independent Claims 1 and 12 recite features that are neither taught, nor rendered obvious, by the combination of Gallant and Wells.

Turning to the applied references, Gallant describes the selection and display of icons indicating a home calling area, a local calling area and a wide calling area which are coupled to different tariffs whereby the determination of the calling area and, therefore, the selection of the icon is based on the identification code of a base station (BTS) transmitted by the BTS.¹ The icons of Gallant, however, are not the same as the **background images**, as recited in independent Claims 1 and 12, and as conceded in the Office Action, Gallant fails to disclose displaying the icons/background images in sequence defined by preset parameters.

As noted above, independent Claim 1 recites that the sequence of display of the background images is ***defined by preset parameters received from the base station*** whereby ***the reception of the parameters is independent from storing and retrieving of the data of the background images***.

Wells describes graphical information sequences (GIS) which comprise a plurality of animation frames, scenes, images and the like. Thus, information describing GIS may be pre-

¹ Gallant, col. 7, ll. 4-31 and col. 9, ll. 4-26.

stored or subsequently loaded. Further, Wells describes a current animation array (CAA), which contains data for defining and controlling the operation of a desired GIS.²

Therefore, the GIS of Wells may be seen as comprising image sequence specifying information, but this information is not received independently from the storing and retrieving of the data of the images.³ Instead, Wells describes that animations are selected by the user, and does not teach or suggest that animations are selected based on preset parameters received from a base station, as claimed.

Therefore, even if “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of Gallant to display a graphical information sequence, as taught by Wells, instead of a non-animated icon in response to the received BTS identification...” as asserted in the Office Action, such subject-matter obtained by a combination of Gallant and Wells is different from the claimed subject-matter. More particularly, combining Gallant and Wells, as asserted in the Office Action, would result in replacing the non-animated icon of Gallant with the animated icon of Wells. The result is a scheme in which the graphical image sequences of Wells are selected according to the scheme for selecting icons taught by Gallant. In the GIS approach of Wells, however, the image sequence defining information is not received independent from the storing and retrieving of the data of the images, as claimed.

Thus, the essential difference of the claimed invention as compared to the combination of Gallant and Wells is that Claims 1 and 12 require separating the receiving of the sequence specifying preset parameters from the storing and retrieving of the data of the images in order to allow a flexible control of the sequence of display of the images. Since the claimed invention, therefore, suggests to decouple the information (images) to be displayed from the receiving and storing of the control data for controlling the sequence of display of

² Wells, col. 3, l. 59-col. 4, l. 10.

³ Id.

the information, the claimed invention provides a very flexible method and system for the sequential display of images, which is not rendered obvious by the applied references.

Therefore, Gallant and Wells, even if combined, fails to teach or suggest “automatically selecting **background images** to be displayed, **according to pre-set parameters received from a base station...** [and] retrieving the data of said automatically selected background images from said memory **wherein said pre-set parameters are received independent from the storing and retrieving of said data of said background images,**” as required by independent Claim 1.

Additionally, the present claims relate to the sequential display of **background images**. Neither Gallant nor Wells are related to the display of background images. Also for this reason, the present claims are not rendered obvious by the combination of Gallant and Wells. Background images provide the advantage of a more effective use of the display since in addition to the background images further information can be displayed in the foreground.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 103(a) be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 12 (and the claims that depend therefrom) patentably define over Gallant and Wells.

Claims 11 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells and Fogarty. Applicants respectfully traverse this rejection, as dependent Claims 11 and 22 recite novel features not taught or rendered obvious by the applied references.

Claim 11, for example, recite that “said background image comprises the colors available by the display except the colors used for foreground information.”

The Office Action concedes that the combination of Gallant and Wells fails to disclose the above noted claimed feature. In an attempt to remedy this deficiency, the Office Action relies on Fogarty.

Fogarty describes the use of foreground and background color parameters only for text and fields, whereby a field is text which is input by a user. Fogarty is not concerned with background images either, as images are always displayed besides text or fields.⁴ Thus, Fogarty does not render obvious background images comprising the colors available by the display except the colors used for foreground information, as recited in dependent Claims 11 and 22.

Accordingly, Applicants respectfully request that the rejection of Claims 11 and 22 under 35 U.S.C. § 103(a) be withdrawn.

With regard to the rejection of Claims 6 and 17 under 35 U.S.C. § 103 as unpatentable over Gallant and Wells in view of Hubbe, it is noted that these claims ultimately depend from independent Claims 1 or 12, respectively, and are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Hubbe fails to remedy any of the above-noted deficiencies of Gallant and Wells.

Accordingly, Applicants respectfully request that the rejection of Claims 6 and 17 under 35 U.S.C. § 103 be withdrawn.

⁴ Fogarty, col. 5, ll. 24 - 41 and col. 9, l. 61-col. 10, l. 11.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 5-12 and 16-22 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

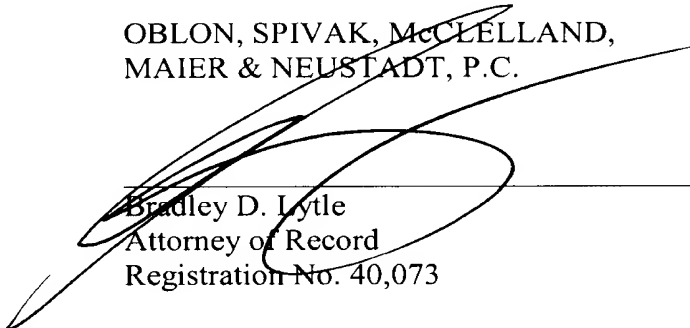
Respectfully submitted,

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